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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,599	08/14/2001	Michael Gomer Stelljes JR.	8674	9182

27752 7590 10/15/2002

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EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-6

<b>Office Action Summary</b>	<b>Application N .</b>		<b>Applicant(s)</b>	
	09/929,599		STELLJES ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mark Halpern		1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,14-18,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 7-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1) Claims 1-2, 6, 14-18, 28-29, are rejected under 35 U.S.C. 102(b) as being anticipated by Ensign (5,584,126).

Claims 1, 6, 14, 16, 28-29: Ensign discloses a limiting orifice drying process. A web supported on belt 28 enters a limiting orifice through-air-drying apparatus. The apparatus comprises a pervious cylinder 32 and a micropore medium 30. The belt 28 wraps the pervious cylinder 32 from inlet roll 34 to takeoff roll 36, with the web located between the belt and the cylinder. The web is pressed at nips formed by rolls 34 and 36 and the pervious cylinder 32. The limiting orifice through-air-drying apparatus zone 42 is maintained at a negative pressure greater than the breakthrough pressure of the micropores to remove moisture from the web. The support belt 28 is fluid permeable (col. 4, line 38 to col. 6, line 33, col. 7-8, Figure 1, and patent 5,274,930 to Ensign, incorporated by reference). The web consistency is 18 percent (col. 4, lines 1-9). Endless belt is disclosed in Figure 2 by Ensign (5,274,930). The limiting orifice media can be of woven material per Ensign (5,274,930), col. 10, lines 3-19.

Claim 2: the limiting orifice micropore medium is substantially incompressible as

disclosed in design of incorporated by reference Ensign (5,274,930), col. 9, line 35 to col. 12, line 38.

Claim 15: positive pressure is disclosed for the purpose of removing water remaining in the pores; Ensign (5,274,930), col. 7, lines 10-28.

Claims 17: the limiting orifice media is a multi layer media as disclosed by Ensign (5,274,930), col. 9, line 35 to col. 12, line 38.

Claim 18: the temperature of 500 degrees F is disclosed by reference Ensign (5,274,930), col. 7, lines 50-64.

***Allowable Subject Matter***

- 2) Claims 19-27, are allowed.
- 3) Claims 3-5, 7-13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not show a method of reducing the moisture content of a fibrous web, where in said method: a limiting orifice medium includes capillary pores of diameter ranges claimed (claims 3-5); the fibrous web is pressed at the pressure ranges claimed (claims 7-12); the fluid-permeable carrier is patterned (claims 13, 19-27).

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**Conclusion**

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Mark Halpern  
Patent Examiner  
Art Unit 1731

October 11, 2002